

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL ACTION NUMBER:

4-2225 C

H. BRUCE BOAL and SCOTT LEE BOAL,)
A Partnership d/b/a BOALEECO,)
Plaintiff)
)
v.)
)
FLEETBOSTON FINANCIAL CORPORATION)
(f/k/a Fleet National Bank),)
Defendant)

Ex Parte MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff H. Bruce Boal and Scott Lee Boal, A Partnership d/b/a Boaleeco ("Boalecco") respectfully requests that this Court enjoin Defendant FleetBoston Financial Corporation ("Fleet") as follows:

- (a) Temporarily and preliminarily enjoin Fleet from paying any funds to CBE on account of the letter of credit; and
- (b) award such other relief and issue such other orders as justice may require.

As grounds for this Motion, Boalecco hereby incorporates by reference the Verified Complaint. Boalecco also submits a proposed Order.

Respectfully submitted,
H. Bruce Boal and Scott Lee Boal,
A Partnership d/b/a Boalecco,
By Its Attorneys,


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Dated: December 10, 2004